

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY MAYNARD KREAMER,

Petitioner,

v.

MR. MOONEY, et al,

Respondents.

No. 3:11-CV-1976

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 30th day of December, 2011, upon review of the report and recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The report and recommendation (Doc. 6) is **ADOPTED**.
- (2) The plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.
- (3) The plaintiff's petition (Doc. 1) is **DISMISSED** without prejudice to re-file it after he exhausts his state court remedies.
- (4) The clerk of court is directed to mark this matter **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge